

MERIDIAN FARMS FISH SCREEN PROJECT

Final Mitigated Negative Declaration/Finding of No Significant
Impact and Response to Comments

SCH #2008022042

Prepared for:
U.S. Bureau of Reclamation
California Department of Fish and Game

June 2008

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Appendices

- A. Meridian Farms Fish Screen Project, Draft Initial Study and Mitigated Negative Declaration/ Environmental Assessment and Finding of No Significant Impact, Prepared for Meridian Farms Water Company, February 2008 (provided on CD)¹
- B. Meridian Farms Fish Screen Project, Action Specific Implementation Plan, Prepared for Meridian Farms Water Company, February 2008 (provided on CD)

¹ CD provided in pocket located inside of back cover.

Mitigated Negative Declaration



MITIGATED NEGATIVE DECLARATION

Meridian Farms Fish Screen Project

Based upon the findings in the Initial Study and Environmental Assessment for the Meridian Farms Fish Screen Project:

- ☐ I find that the Proposed Project WOULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the Proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the Proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT will be prepared.
- ☐ I find that the Proposed Project may have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the Proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the Proposed Project, nothing further is required.

Signature

Printed Name

Date

Habitat Conservation Program Manager
California Department of Fish and
Game

California Environmental Quality Act Mitigated Negative Declaration Findings

This Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant/sponsor would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

Name of Project:

Meridian Farms Fish Screen Project

Project Description:

The Meridian Farms Fish Screen Project is a two phased program to consolidate three existing surface water diversions into two diversions along the Sacramento River in the vicinity of the Town of Grimes and Meridian, Sutter County California. The two new water diversions would be equipped with positive barrier fish screens to preventing entrainment of migrating, at-risk, native fish species. Due to the consolidation, the Proposed Project/Action also includes phased conveyance system improvements to accommodate water delivery to two diversions instead of three. The Proposed Project/Action will not increase Meridian Farms Water Company (MFWC's) overall diversion capacity from the Sacramento River. Once the new diversions are completed Meridian and Grimes site locations, the existing diversions at Meridian, Drexler, and Grimes will be removed during their respective phases and in compliance with Reclamation Board, CDFG, NMFS, and the U.S. Fish and Wildlife Service (USFWS) requirements.

Project Location:

Meridian Farms Water Company (MFWC) is located in Sutter County, California, between Interstate 5 and Highway 99 east of the Sacramento River and southwest of the Sutter Bypass. MFWC provides irrigation water to three separate service areas encompassing 9,150 total acres in an area between the Town of Meridian and Grimes. The existing and proposed Sacramento River diversions are located in three locations along the River and are referred to as the Meridian, Drexler, and Grimes diversion. These diversions presently utilize an unscreened intake, and may have entrained Chinook salmon, steelhead trout, and other anadromous fish species that pass by the intake.

Findings:

Based upon the Environmental Assessment/Initial Study, it was determined that there would be no significant adverse environmental effects resulting from implementation of the Proposed Project/Action with the inclusion of the following measures to address project-related impacts on environmental resources.

Required Mitigation Measures:

Mitigation Measures included in the project to reduce potentially significant impacts related to air quality; biological resources; hazards and hazardous materials; hydrology and water quality; and noise to less than significant level have been:

Air Quality

Mitigation Measure AIR-1. Implement FRAQMD Best Available Mitigation Measures For Construction Activity:

- Implement PM10 control measures outlined in the FRAQMD Fugitive Dust Control Plan.
- MFWC shall require its construction contractor(s) to assemble a comprehensive inventory list (i.e., make, model, engine year, horsepower, emission rates) of all heavy-duty off-road (portable and mobile) equipment (50 horsepower and greater) that will be used an aggregate of 40 or more hours for both Phases 1 and 2 construction activities and apply the following mitigation measure: *Reducing NOx emissions from off-road diesel powered equipment* MFWC or its construction contractor(s) shall provide a plan for approval by FRAQMD demonstrating that the heavy-duty (equal to or greater than 50 horsepower) off-road equipment to be used in construction of Phases 1 and 2, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NOx reduction and 45 percent particulate reduction 1 compared to the most recent CARB fleet average at time of construction. A Construction Mitigation Calculator (MS Excel) may be downloaded from the SMAQMD web site to perform the fleet average evaluation <http://www.airquality.org/ceqa/index.shtml>. Acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, perform offsite mitigation projects, provide funds for air district offsite mitigation projects, and/or other options as they become available. The District should be contacted to discuss alternative measures.
- Construction equipment exhaust emissions shall not exceed FRAQMD Regulation III, Rule 3.0, Visible Emissions limitations (40 percent opacity or Ringelmann 2.0). Operators of vehicles and equipment found to exceed opacity limits shall take action to repair the equipment within 72 hours or remove the equipment from service. Failure to comply may result in a Notice of Violation.
- The primary contractor shall be responsible to ensure that all construction equipment is properly tuned and maintained.
- Minimize idling time to 10 minutes – saves fuel and reduces emissions.
- No open burning of removed vegetation during infrastructure improvements. Vegetative material should be chipped or delivered as waste to energy facilities.

- Portable engines and portable engine-driven equipment units used at the project work site, with the exception of on-road and off-road motor vehicles, may require California Air Resources Board (CARB) Portable Equipment Registration with the State or a local district permit. The owner/operator shall be responsible for arranging appropriate consultations with the CARB or the District to determine registration and permitting requirements prior to equipment operation at the site.

Biological Resources

Giant Garter Snake Phases 1 and 2 Mitigation:

Mitigation Measure BIO-1: Traffic Routing, and Movement. During construction operations, the number of access routes, number and size of staging areas, and the total area of the project activity will be limited to the minimum necessary. Routes and boundaries will be clearly demarcated. Movement of heavy equipment to and from the project site will be restricted to established roadways to minimize habitat disturbance. Project-related vehicles shall observe a 20-mile-per-hour speed limit within construction areas, except on County roads and on State and Federal highways. This is particularly important during periods when the snake may be sunning or moving on roadways. All heavy equipment, vehicles, and supplies will be stored at the designated staging area at the end of each work period.

Mitigation Measure BIO-2: Staging Areas. During construction operations, stockpiling of construction materials, portable equipment, vehicles, and supplies will be restricted to the designated construction staging areas and exclusive of the Environmentally Sensitive Areas (ESAs). The applicant will ensure contamination of habitat does not occur during such operations. All workers will be informed of the importance of preventing spills and appropriate measures to take should a spill occur.

Mitigation Measure BIO-3: Pre-construction Surveys. At most 24-hours prior to the commencement of construction activities, the ESA shall be surveyed for giant garter snakes by a USFWS-approved biologist. The biologist will provide the USFWS with a written report that adequately documents the monitoring efforts within 24-hours of commencement of construction activities. The project area shall be re-inspected by the monitoring biologist whenever a lapse in construction activity of two weeks or greater has occurred.

Mitigation Measure BIO-4: Timing of Construction. Construction activity within giant garter snake habitat (*e.g.* aquatic, upland, and rice habitat) shall be conducted between May 1 and October 1. This is the active period for the snake and direct mortality is lessened, because snakes are expected to actively move and avoid danger. If it appears that construction activity may go beyond October 1, the project proponents shall contact the USFWS as soon as possible, but not later than September 15 of the year in question, to determine if additional measures are necessary to minimize take. Construction activities within 200 feet from the banks of snake aquatic habitat will be avoided during the snake's inactive season. **If this is not feasible, the Project Proponent must consult with USFWS to determine measures to avoid impacts to giant garter snake.**

Mitigation Measure BIO-5: Monitoring During Construction. A USFWS-approved biologist shall inspect construction-related activities at the ESA to ensure that no

unauthorized take of federally listed species or destruction of their habitat occurs. The biologist shall be available for monitoring throughout all phases of construction that may result in adverse effects to the giant garter snake. This includes clearing and grubbing activities and installation of exclusion fence in giant garter snake upland habitat. Furthermore, the biologist shall have the authority through communication with the resident engineer to stop construction activities in the immediate area if a giant garter snake is encountered during construction until appropriate corrective measures have been completed or until the snake is determined to be unharmed. Snakes encountered during construction activities shall be allowed to move away from the area on their own volition. The biologist shall notify the USFWS immediately if any listed species are found on-site, and will submit a report, including date(s), location(s), habitat description, and any corrective measures taken to protect the species found. The biologist shall be required to report any take of listed species to the USFWS immediately by telephone at 916/ 414-6600 and by electronic mail or written letter addressed to the Chief, Endangered Species Division, within three (3) working days of the incident. The Service does not authorize any handling or moving of a giant garter snake by other than a USFWS-permitted biologist.

Mitigation Measure BIO-6: Worker Awareness Training. A Worker Environmental Awareness Training Program for construction personnel shall be conducted by the USFWS-approved biologist for all construction workers, including contractors, prior to the commencement of construction activities. The program shall provide workers with information on their responsibilities with regard to the snake, an overview of the life-history of this species, information on take prohibitions, protections afforded this animal under the Act, and an explanation of the relevant terms and conditions of this biological opinion. Written documentation of the training must be submitted to the Sacramento Fish and Wildlife Office within 30 days of the completion of training. As needed, training shall be conducted in Spanish for Spanish language speakers.

Mitigation Measure BIO-7: Install Snake Exclusion Fencing. Prior to the commencement of construction activities, high visibility fencing will be erected around the habitats of federally listed species to identify and protect these designated ESAs from encroachment of personnel and equipment. These areas will be avoided by all construction personnel. The fencing shall be inspected by the Contractor before the start of each work day and maintained by the Contractor until completion of the project. The fencing may be removed only when the construction of the project is completed. Fencing will be established in upland immediately adjacent to aquatic snake habitat and extending up to 200 feet from construction activities. Silt fencing, if properly installed, may serve as suitable snake exclusion fencing.

Mitigation Measure BIO-8: Provide Adequate Signage. Signs will be posted by the Contractor every 50 feet along the edge of the ESAs, with the following information: "This area is habitat of federally-threatened and/or endangered species, and must not be disturbed. These species are protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment." The signs should be clearly readable

from a distance of 20 feet, and must be maintained by the Contractor for the duration of construction.

Mitigation Measure BIO-9: Implement BMPs. Best Management Practices (BMPs), including a Storm Water Pollution Prevention Plan (SWPPP) and Water Pollution Control Program (WPCP), will be implemented to minimize effects to the snake during construction.

Best management practices will be implemented to prevent sedimentation from entering ESAs and to reduce erosion, dust, noise, and other deleterious aspects of construction related activities. These BMPs may include, but are not limited to, silt fencing, temporary berms, restrictions on cleaning equipment in or near ESAs, installation of vegetative strips, and temporary sediment disposal. Runoff from dust control and hazardous materials will be retained on the construction site and prevented from flowing into the ESAs.

Mitigation Measure BIO-10: Erosion Control Materials. Tightly woven fiber netting (mesh size less than 0.25 inch) or similar material shall be used for erosion control and other purposes at the ESA to ensure that the giant garter snake is not trapped or becomes entangled. This limitation shall be communicated to the contractor using special provisions included in the bid solicitation package.

Mitigation Measure BIO-11: Properly Dispose of Garbage. To eliminate an attraction to predators of the snake, all food-related trash items, such as wrappers, cans, bottles, and food scraps, must be disposed of in closed containers and removed at the end of each workday from the entire project site.

Mitigation Measure BIO-12: Use Approved Aggregate, Fill, or Borrow Materials. The Contractor shall provide documentation that aggregate, fill, or borrow material provided for the Proposed Project/Action was obtained in compliance with the State Mining and Reclamation Act (SMARA). Evidence of compliance with the Act shall be demonstrated by providing the resident engineer with one of the following: 1) a letter from the USFWS stating that the use of the borrow pit will not result in the incidental take of species; 2) an incidental take permit for contractor-related activities issued by the USFWS pursuant to section 10(a)(1)(B) of the Act; 3) a biological opinion or letter concurring with a “not likely to adversely affect” determination issued by the USFWS to the Federal agency having jurisdiction over contractor-related services; 4) a letter from the USFWS concurring with the “no effect” determination for contractor-related activities; or 5) contractor submittal of information to the resident engineer indicating compliance with the SMARA and provision of County land use permits and California Environmental Quality Act (CEQA) clearance.

Mitigation Measure BIO-13: Restore Temporarily Affected Habitat. After construction activities are complete, any temporary fill or construction debris shall be removed and disturbed areas restored to their pre-project conditions. An area subject to “temporary” disturbance includes any area that is disturbed during the project, but that, after project completion, will not be subject to further disturbance and has the potential to be re-vegetated.

All ESA snake habitats subject to temporary ground disturbances, including storage and staging areas and temporary roads, will be restored to pre-project conditions. If appropriate,

these areas shall also be re-contoured to pre-project conditions. A written report shall be submitted to the USFWS within ten (10) working days of the completion of construction at the project site and restoration of the site to pre-project conditions.

Mitigation Measure BIO-14: Post-construction Monitoring. An inspection of the site, with a photo documentation report showing pre- and post-project area photos, will be conducted and photos and a brief report will be submitted to USFWS one year from implementation of restoration to pre-project conditions.

Mitigation Measure BIO-15: Minimize Impacts. The Contractor shall minimize the potential for harm, harassment, and direct mortality of the snake resulting from project-related activities by implementation of the project. The Contractor shall ensure that the temporary loss of giant garter snake habitat is confined to the Proposed Project/Action site.

Giant Garter Snake Phase 2 Mitigation: Include all above Giant Garter Snake-related measures for Phase 1, and the following additional or modified measures:

Mitigation Measure BIO-16: De-watering Giant Garter Snake Habitat. Aquatic habitat for the snake will be dewatered 15 days prior to the initiation of construction activities. If complete dewatering is not possible, potential snake prey (*i.e.*, fish and tadpoles) will be removed so that snakes and other wildlife are not attracted to the construction area.

Mitigation Measure BIO-17: Monitoring During Construction. A USFWS-approved biologist shall inspect construction-related activities at the project site to ensure that no unauthorized take of federally listed species or destruction of their habitat occurs. The biologist shall be available for monitoring throughout all phases of construction that may result in adverse affects to the giant garter snake. This includes clearing and grubbing and other construction activities in the areas of wetland vegetation/aquatic habitat, adjacent upland habitat, and during exclusion fence installation. Furthermore, the biologist shall have the authority through communication with the resident engineer to stop construction activities in the immediate area if a giant garter snake is encountered during construction until appropriate corrective measures have been completed or until the snake is determined to be unharmed.

Snakes encountered during construction activities shall be allowed to move away from the area on their own volition. The biologist shall notify the USFWS immediately if any listed species are found on-site, and will submit a report, including date(s), location(s), habitat description, and any corrective measures taken to protect the species found. The biologist shall be require to report any take of listed species to the USFWS immediately by telephone at 916/ 414-6600 and by electronic mail or written letter addressed to the Chief, Endangered Species Division, within three (3) working days of the incident. The Service does not authorize any handling or moving of a giant garter snake by other than a USFWS-permitted biologist.

Mitigation Measure BIO-18: Compensation. Prior to the commencement of Phase 2 construction activities, the project proponent shall compensate for the temporary and permanent loss habitat of the snake according to the Programmatic Guidelines.

Fish Species Mitigation: Because coffer dam use, which involves pile driving and dewatering, will occur only during Phase 2 activities, mitigation measures BIO-19 and BIO-20 related to fish species will occur only during Phase 2.

Mitigation Measure BIO-19: Pile Driving Activities. For Phase 2 only, the contractor shall use vibrational pile driving to the greatest extent feasible. If percussive pile driving is necessary, its use shall be minimized to the maximum extent possible and comply with the following *Interim Criteria for Injury of Fish to Pile Driving Operations* (Popper et al., 2006):

- The Sound Exposure Level (SEL) shall not exceed 187 dB (re: 1 $\mu\text{Pa}^2 \cdot \text{sec}$) in any single strike, measured at a distance of 32.8 ft from the source;
- The peak sound pressure level should not exceed 208 dB (re: 1 $\mu\text{Pa}_{\text{peak}}$) in any single strike, measured at a distance of 32.8 ft from the source.

Mitigation Measure BIO-20: Dewatering. For Phase 2 only, pump(s) used for dewatering the construction site will be screened according to NMFS fish screening criteria for anadromous salmonids (NMFS, 1997b). A qualified biologist will be on-site during such pumping activities to ensure that any fish that may be present within the construction area are relocated to suitable habitat near the project area.

Swainson's Hawk Mitigation:

Mitigation Measure BIO-21: Tree Removal Period. Some trees will be removed on the Chesney property for the Drexler pipeline, and some walnut trees removed on the Coffman property for the Meridian Pumping Plant. All of these trees are outside the Sacramento River riparian areas. If possible, trees required for removal shall be removed outside of the nesting period (nesting period = March 1st through August 31st).

Mitigation Measure BIO-22: Swainson's Hawk Nest Survey. If construction is proposed to take place during the nesting season, then a qualified biologist shall survey the project site and all habitats within 0.5 mile of the site for Swainson's hawk nests. Should an active nest site occur within 0.5 mile of the project site, the CDFG shall be consulted to develop measures that will protect the nest site from project-generated disturbance. Measures may include implementing a limited operating period surrounding the nest site until young have fledged.

Mitigation Measure BIO-23: Riparian Habitat Exclusion. There shall be no encroachment by construction equipment or personnel into existing riparian habitat areas located along the Sacramento River. Storage or parking of equipment shall be restricted within 100 feet of riparian habitat.

Western Burrowing Owl, Bank Swallow, and Cackling Goose Mitigation:

Mitigation Measures BIO-24, BIO-25, and BIO-26: Pre-Construction Avian Surveys. Implement all mitigation measures listed for the Swainson's hawk. Pre-construction avian surveys shall also target the above species. Should active nests be found within 0.25 mile of the project site, CDFG shall be consulted to develop appropriate mitigation and avoidance measures.

Jurisdictional Waters Mitigation:

Mitigation Measure BIO-27: Obtain 404 Permit. Prior to construction, the project applicant shall obtain a Section 404 from the USACOE. Based on the area projected to be impacted, the Proposed Project/Action will likely require either an individual permit or Letter of Permission from the USACOE. In addition, the project applicant shall obtain a Section 401 water quality certification from the RWQCB. Lastly, the project applicant shall enter into a Streambed Alteration Agreement with the CDFG.

Mitigation Measure BIO-28: Compensation for Loss of Jurisdictional Wetlands. Fill of wetland areas will be minimized wherever possible. Temporary construction fencing will be erected around any identified jurisdictional wetlands near the construction area(s) to reduce the potential of incidental fill. Where fill of jurisdictional wetlands is unavoidable, loss shall be compensated at a 1:1 ratio. Compensation method shall be approved by the USACOE.

Hazards and Hazardous Materials

Mitigation Measure HAZMAT-1: Accidental Discovery. If contaminated soil and/or groundwater is encountered or if suspected contamination is encountered during Phase 1 and 2 project construction, work shall be halted in the area, and the type and extent of the contamination shall be identified. A contingency plan to dispose of any contaminated soil or groundwater will be developed through consultation with the appropriate regulatory agencies. If dewatering is to occur during Phase 1 and 2 project construction, the RWQCB will be consulted for any special requirements such as containing the water until it can be sampled and analyzed to ensure that no contaminants are in the groundwater that could be released into the Sacramento River.

Hydrology and Water Quality

Mitigation Measure HYDRO-1: Identify Site-Specific Control Measures. To minimize the exposure of sediments to runoff, MFWC or its construction contractor(s) will identify and implement site-specific construction and post-construction water quality control measures for both Phase 1 and 2 of the Proposed Project/Action facilities. Control measures will include those contained in the Construction Contractor's Guide and Specification of the Caltrans Storm Water Quality Handbook (The Handbook; April 1997); Sutter County Code Section 5, Storm Drainage Design, and the State Water Resources Control Board (SWRCB) Water Quality Order 99-08-DWQ, NPDES, General Permit for Stormwater Discharge Associated with Construction Activity.

Noise

Mitigation Measure NOISE-1. Minimization of the Construction and Operational Noise. Standard noise abatement measures will be implemented during construction of Phase 1 and 2 to reduce noise impacts from construction activities. Construction activities will be limited between 7:00 a.m. and 5:00 p.m. on weekdays to reduce potential noise impacts to area residents. In addition, staging areas and stationary noise generating construction equipment will be located as far as possible from sensitive receptors, and all

construction equipment will be maintained with the manufacturer's specified noise-muffling devices. Final design of the Phase 1 and 2 facilities of the Proposed Project/Action will incorporate noise attenuating technologies and noise barriers to mitigate that noise emanating from the facilities at maximum operational load will not exceed applicable standards or lead to cumulative increases in ambient noise levels.

Finding of No Significant Impact



FINDING OF NO SIGNIFICANT IMPACT

Meridian Farms Fish Screen Project

Recommended: Sammy LaSembore
Natural Resource Specialist

Date: 6/12/08

Recommended: Tuesday M.
Branch Chief

Date: 6/12/08

Approved: Quinn J. Woodley
Regional Resources Manager

Date: 6/12/08

FONSI No. 08-06-MP



U.S. Department of the Interior
Bureau of Reclamation
Mid Pacific Region
Sacramento, California

Meridian Farms Fish Screen Project

The Bureau of Reclamation proposes to contribute funding towards the construction of positive barrier fish screens structures and water diversion and conveyance facilities operated along the Sacramento River by the Meridian Farms Water Company (MFWC). Existing MFWC existing facilities include three unscreened intakes and related conveyance facilities located in Sutter County, along the Sacramento River. The continued operation of the MFWC unscreened diversions may entrain salmonid migrants/out-migrants, North American green sturgeon, as well as other special status fish species from the mainstem of the river. The Proposed Project/Action will contribute to the removal, consolidation and replacement of unscreened diversions with screened diversions, thereby providing an overall net benefit to the fisheries resources subjected to impacts from river diversions. The Proposed Project/Action is expected to help prevent further loss of the federally listed Chinook salmon, Central Valley steelhead and the North American green sturgeon, while continuing the delivery of water to MFWC for agricultural purposes.

An Initial Study (IS) and Environmental Assessment (EA) has been jointly prepared to disclose any potential environmental impacts in accordance with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). See attached document (IS/EA). The Proposed Project/Action is being funded through CALFED Bay Delta Program (CALFED) Grant and is consistent with the Central Valley Project Improvement Act (CVPIA) Anadromous Fish Screen Program.

The MFWC Fish Screen Project will occur in two phases. This Finding of No Significant Impact (FONSI) pertains only to construction activities that will occur during Phase 1 of the MFWC Fish Screen Project. Due to funding constraints, it is only feasible for MFWC to proceed with Phase 1 in 2008.

Project phasing and proposed facilities are summarized below.

PHASE 1

- **New Grimes Diversion/Pumping Plant.** Proposed construction of a new 30 cubic feet per second (cfs) Diversion/Pumping Plant with fish screen located north of the existing Grimes diversion.
- **New Grimes Pipeline and Canal Modifications.** Proposed installation of approximately 650 lineal feet of 36-inch diameter pipeline and modifications to the existing canal to deliver flows from the New Grimes Diversion/Pumping Plant to the Grimes service area.
- **Drexler Pipeline.** Proposed installation of up to approximately 6,500 lineal feet of 36-inch diameter pipeline that will begin at the proposed Drexler re-lift pumping plant and terminate at the tie-in to the existing Main Canal near the existing Drexler diversion/pumping plant.

- **Removal of the existing Grimes Diversion/Pumping Plant.** The existing pumping facility will be removed after the new pumping plant is constructed.

PHASE 2

- **New Meridian Diversion/Pumping Plant.** Proposed construction of a new 135-cfs Diversion/Pumping Plant with fish screen, located adjacent to, and will replace the existing Meridian Diversion.
- **Main Canal Modifications.** Proposed capacity improvements to approximately 15,200 lineal feet of the Main Canal to convey flows over to the Drexler Service Area to accommodate the consolidation of the Meridian and Drexler Diversions.
- **New Drexler Re-lift Pumping Plant.** Proposed construction of a new 35 cfs pumping plant, located at the end of the Main Canal modifications to deliver flows to the Drexler Service area via the new Drexler Pipeline.
- **Drexler Pipeline Extension (optional).** The Drexler Pipeline may be extended to a total length of 6,500 lineal feet, if not already, constructed in Phase 1.
- **Removal of the Existing Meridian Diversion/Pumping Plant and the Drexler Pumping Plant.** The existing diversion/pumping facilities will be removed after the new pumping plant is constructed.

Prior to implementation of Phase 2, any related actions will be evaluated to determine if additional NEPA analysis is necessary. Existing NEPA documentation will be relied on unless new circumstances, new information, or environmental impacts not previously anticipated or analyzed warrant new analysis or supplementation of the existing NEPA documentation. Depending on that future evaluation, either additional NEPA documentation will be prepared, or a finding made that no significant changes in actions or circumstances has occurred, or substantial new information has been obtained since this Final EA. Once all requirements are satisfied, another finding will be issued for Phase 2.

The Mid-Pacific Region of the Bureau of Reclamation has found that Phase 1 of the Proposed Project/Action is not a major Federal Action that will significantly affect the quality of the human environment. Therefore, an environmental impact statement is not required.

Following are the reasons why the impacts of the Phase 1 of the proposed action are less than significant.

1. Phase 1 of the Proposed Project/Action is not located in areas within local or state-designated scenic vistas. Construction of a new facility will involve temporary negative aesthetic effects, including the presence of open trenches and construction equipment. Project construction will temporarily affect visual aesthetics, scenic resources, visual character or quality of the site. Temporary impacts will occur during fish screen and pipeline construction, but the area is currently maintained and considered disturbed. The Proposed

Project/Action will incorporate Best Management Practices (BMPs) for Phase 1 construction activities. Therefore, impacts to visual resources will be less than significant.

2. The project site is not designated as prime farmland, unique farmland, or farmland of statewide importance. The Proposed Project/Action will not convert any agricultural land to non-agricultural use. Therefore, there are no impacts to agricultural resources.
3. Short term impacts to air quality may occur during of construction. The magnitude of air quality impacts associated with gasoline powered vehicles, mobile construction equipment and fugitive dust is considered to be short term and minor. Mitigation measures will be incorporated for the construction activities. Therefore, impacts to air quality will be less than significant.
4. Project construction and operations will result in no net loss of wetland resources. The analysis in the IS/EA indicates that the impacts to wildlife will be less than significant with mitigation during Phase 1 of the Proposed Project/Action. Giant garter snake (*Thamnophis gigas*) (GGS) habitat that will be affected by Phase 1 construction activities includes temporary impacts to 1.68 acres of GGS upland and aquatic habitat. Impacts to special status species, including GGS, salmonids and North American green sturgeon will be avoided or minimized by implementing the mitigation measures discussed in the IS/EA and the Action Specific Implementation Plan (ASIP Appendix A of IS/EA). Reclamation is consulting with United States Fish and Wildlife Service and National Oceanic and Atmospheric Administration Fisheries on effects of the Proposed Project/Action to listed species under Section 7 of the Endangered Species Act (ESA). ESA consultations will be complete prior to finalization of this IS/EA and FONSI. There will be an overall net benefit to federally listed salmonids and North American green sturgeon as a result of the Proposed Project/Action. Overall, impacts to biological resources will be less than significant.
5. Based on the analysis in the IS/EA, cultural resources will not be adversely affected by the Proposed Project/Action during Phase 1. The cultural resources inventory did not identify any historical resources in the Proposed Project/Action area for Phase 1 construction; therefore, there are no impacts to cultural resources. Prior to expenditure of Federal appropriations, consultation with the California State Historic Preservation Office will be complete.
6. Impacts caused by ground disturbing activities will affect a total of 13.5 acres during Phase 1. The area of soil disturbance is relatively small compared to the overall Meridian Farms service area. Implementation of erosion and sediment control measures as described in the IS/EA will reduce erosion rates during and after construction. As a result, any impacts to geology and soils will be less than significant.

7. Although there are changes in surface water diversion locations, the rates of overall diversion (135 cubic feet/second) will remain the same. Short term increases in turbidity may occur because of construction; however, the increases will be temporary. Mitigation measures, as presented in the IS/EA, as well as incorporation of terms and conditions of Clean Water Act (CWA) Section 404 and CWA Section 401 compliance will be implemented to reduce the level of impact on water quality. CWA compliance will be completed prior to implementation of Phase 1 actions. Therefore, impacts to water quality will be less than significant.
8. No impacts to land uses and/or land use plans will occur as the result of the implementation of this Proposed Project/Action. There will be no change to land use. The water supply obtained from this diversion will continue to be used for agriculture.
9. Short term impacts associated with noise may occur during construction. Phase 1 project construction could lead to temporary or periodic increases in ambient noise levels in the project vicinity. However, the project site is in a rural land use area and there are no sensitive receptors in the immediate area. Construction activities will be restricted to 7:00 am to 5:00 pm in order to minimize noise impacts. As a result, impacts caused by noise will be less than significant.
10. There will be no effect to minority or low-income populations. The Proposed Project/Action will not disproportionately affect any minority or low income populations. Therefore, no impacts regarding Environmental Justice will occur as a result of the Proposed Project/Action.
11. The Proposed Project/Action does not affect Indian Trust Assets (ITA). The nearest ITA to this Proposed Project/Action is Colusa Rancheria which is approximately 11.04 miles NW of the project location.

SECTION 1

Introduction

1.1 CEQA/NEPA Process

On Friday, February 8, 2008, The California Department of Fish and Game (CDFG) in cooperation with the U.S. Bureau of Reclamation (Bureau), filed a Notice of Completion (NOC) with the Governor's Office of Planning and Research (State Clearinghouse), published a Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration/Finding of No Significant Impact (MND/FONSI), and released the Draft IS/EA for a 30-day public review period. The Draft IS/EA was distributed to federal, state, and local agency representatives, and other interested individuals. Additionally, a Public Notice was published in the Marysville, California Appeal Democrat on February 8, 2008 announcing the availability of the Draft IS/EA for public review in compliance with CEQA. In accordance with Section 15105(b) CEQA Guidelines, the public review and comment period began on February 8, 2008 and ended on March 10, 2008. A summary of the comments received on the Draft IS/EA are contained in this Final MND/FONSI¹.

In accordance with the Council on Environmental Quality's Regulations for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500-1508), the U.S. Bureau of Reclamation (Bureau), posted a public notice which initiated a public review and comment period that began on February 11, 2008 and ended on March 12, 2008.

This Final MND/FONSI has been prepared pursuant to CEQA Guidelines² and the Council on Environmental Quality's Regulations for Implementing the Procedural Provisions of NEPA³. This document incorporates three comment letters from public agencies and contains responses by the Joint Lead Agencies (CDFG and Reclamation) to those comments. No other comments were received and no changes have been made to the Draft IS/EA. The sole intent and purpose of the Final MND/FONSI is to provide responses to comments in accordance with federal and state requirements. No new significant environmental impacts are identified in this Final MND/FONSI. No mitigation measures presented in the Draft IS/MND were deleted or modified.

¹ The Final MND/FONSI is a combination of this Response to Comment Document and the Draft MND included as Appendix A.

² Title 14, California Code of Regulations, Chapter 3, Sections 15000 – 15387 and Appendices, accessible at http://ceres.ca.gov/topic/env_law/ceqa/guidelines/

³ 40 CFR Parts 1500-1508

The Final MND/FONSI is an informational document prepared by the joint lead agencies to be used by decision makers before approving or denying a proposed project/action. The Final MND/FONSI consists of the following:

- (a) Mitigated Negative Declaration (MND)
- (b) Finding of No Significant Impact (FONSI) for Phase I
- (c) A description of the CEQA/NEPA process including the public review process
- (d) A list of persons, organizations, and public agencies commenting on the Draft IS/MND.
- (e) Comments and Responses to Comments received on the Draft IS/EA.
- (f) Mitigation Monitoring, and Reporting Program (MMRP).

SECTION 2

Comments and Responses

2.1 Introduction

No changes have been made to the Meridian Farms Fish Screen Project Draft IS/EA. The comments received on the Draft IS/EA did not require any changes to the project description, analysis of impacts, impact conclusions, or mitigation measures. Therefore, the Draft IS/EA as originally published, stands as the analysis of impacts for the Meridian Farms Water Company Proposed Project/Action, and is incorporated by reference to this Final IS/EA.

This chapter includes copies of the comment letters received during the public review period on the Draft IS/EA and the responses to those comments. A total of three comment letters were received from agencies in response to the Draft IS/EA for the Meridian Farms Fish Screen Project.

2.2 List of Comment Letters Received

The comment letters received on the Draft IS/EA are listed below in Table 2-1. Each comment letter has been assigned a corresponding alphabet letter designation.

**TABLE 2-1
LIST OF COMMENTERS**

Letter	Commenter	Date
A	California Department of Transportation	March 4, 2008
B	California Department of Water Resources	March 7, 2008
C	California Governor's Office of Planning and Research, State Clearinghouse	March 12, 2008

2.3 Responses to Comments

This section contains responses to all of the substantive comments received on the Draft IS/MND during the CEQA and NEPA public review period that extended from February 8, 2008 through March 12, 2008. Each comment letter was assigned a letter according to the system identified previously (i.e., A, B, etc.). Each comment addressed within each letter was assigned a comment number (i.e., A-1, A-2, etc.). On the following pages of this section, each comment letter is reproduced in its entirety followed by the responses to each comment within the letter. Where a response to a similar comment has been provided in another response, the reader is referred to the other response.

DEPARTMENT OF TRANSPORTATION

DISTRICT 3
703 B STREET
P. O. BOX 911
MARYSVILLE, CA 95901-0911
PHONE (530) 741-4025
FAX (530) 741-5346
TTY (530) 741-4509



*Flex your power!
Be energy efficient!*

March 4, 2008

08SUT0009
03-SUT-020, PM 0.061
Meridian Farms Water Company
Draft IS/EA
SCH #: 2008022042

Ms. Tracy McReynolds
California Department of Fish and Game
2545 Zanella Way, Suite F
Chico, CA 95928

Dear Ms. McReynolds:

Thank you for the opportunity to review and provide comments on the draft Initial Study/Environmental Assessment for the Meridian Farms Water Company's Fish Screen project. The proposed project involves consolidation of pumping facilities, construction of new improvements in two phases including construction of improved pump stations and conveyance pipelines, rehabilitation of the Main Canal and Grimes pipeline, and installation of new fish screen structures. The project site is located in Sutter County between Highway 20 and South Meridian Road. Our comments are as follows:

Hydrologic/Hydraulic

- Runoff must meet all Regional Water Quality Control Board (RWQCB) water quality standards prior to entering the State's right-of-way or drainage facility.
- No net increase to the surface water (storm water) peak runoff discharge (100 year storm event) within the State's right-of-way and drainage facilities may be realized as a result of the completion of the project.
- Best Management Practices (BMP) systems should be included to remove pollutants and to manage storm water prior to discharging into the State's right-of-way.

Ms. Tracy McReynolds

March 4, 2008

Page 2

- Once installed, the property owner must properly maintain any systems installed to meet these requirements. The proponent/developer may be held liable for future damages due to impacts for which adequate mitigation was not undertaken or sustained. Acceptable constituency levels and appropriate BMP information can be obtained from the RWQCB.
- Submit final plans for this project for the area's immediately upstream and downstream from State Route 20 to District 3 Hydraulics, Attention: Cameron Knudson, 703 B Street, Marysville, CA 95901 for review prior to final project approval.

Traffic Operations

- A Traffic Management Plan (TMP) should be developed in coordination with Caltrans. Please contact Joe Horton, Caltrans District 3 TMP Manager, at 916-274-0550. Appropriate signage will need to be in place to inform vehicles traveling along the cross streets of State Route 20 and South Meridian Road.

Encroachment Permits

- An Encroachment Permit will be required for any work conducted in the State's right of way, which will likely occur during the widening of the canal at State Route 20. To secure an application, please contact Mr. Bruce Capaul, Caltrans District 3, Office of Permits, at 530-741-4403.
- The environmental document prepared for the project that will utilize the State's right-of-way must be submitted with the encroachment permit application. At a minimum, documentation of cultural (archaeological), biological, and hazardous waste surveys within the State's right-of-way are required.

For additional information on encroachment permits and their requirements, please visit our web page at <http://www.dot.ca.gov/hq/traffops/developserv/permits/>.

If you have any questions regarding these comments, please contact Cassandra Pitts, Local Development/Inter-Governmental Review Coordinator, at (530) 740-4989.

Sincerely,



SUKHVINDER (SUE) TAKHAR, CHIEF
Office of Transportation Planning – North

Letter A – California Department of Transportation

This section of the Meridian Farm Final IS/EA provides responses to comments received from Sukhvinder (Sue) Takhar, Chief, State of California Department of Transportation (CALTRANS), District 3, Office of Transportation Planning – North, written comments dated March 4, 2008. The responses to comments are numbered sequentially in the order that the comments are listed in the CALTRANS letter.

Response to Comments:

1. Meridian Farms Water Company (MFWC) will acquire all Regional Water Quality Control Board permits that are necessary to construct the project.
2. No net increase to the storm water peak runoff discharge within the State's right-of-way and drainage facilities will result from project completion. See also response to Comment #1 above.
3. MFWC's contractor will be required to adhere to Best Management Practices (BMP) systems. See also response to Comment #1 above.
4. See response to Comment #3 above.
5. Final plans for the project area immediately upstream and downstream from State Route 20 will be submitted to CALTRANS for information and for a courtesy review. The Main Canal modifications do not extend through the State's right-of-way. No modifications are needed or planned to the state's existing 72-inch diameter reinforced concrete pipe (RCP) or transition structures upstream or downstream of it. The Main Canal widening transitions into the existing canal check structure located immediately north of the MFWC's existing railroad lateral that goes to the west. The Main Canal widening then starts again downstream of the existing headwall structure from the 72-inch diameter RCP, outside of the State's right-of-way.
6. See response to Comment #5 above. CALTRANS will be contacted to determine Traffic Management Plan (TMP) requirements, and the TMP will include appropriate signage requirements.
7. See response to Comment #5 above.
8. See response to Comment #5 above.

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 942360001
(916) 653-5791



RECEIVED

MAR 12 2008

STATE CLEARING HOUSE

Clear
3-10-08
late
e

March 7, 2008


Tracy McReynolds
California Department of Fish and Game
2545 Zanella Way, Suite F
Chico, California 95928

Meridian Farms Water Company Fish Screen Project
State Clearinghouse (SCH) Number: 2008022042

The project corresponding to the subject SCH identification number has come to our attention. The limited project description suggests your project may be an encroachment on the State Adopted Plan of Flood Control. You may refer to the California Code of Regulations, Title 23 and Designated Floodway maps at <http://recbd.ca.gov>. Please be advised that your county office also has copies of the Board's designated floodways for your review. If indeed your project encroaches on an adopted food control plan, you will need to obtain an encroachment permit from the Central Valley Flood Protection Board prior to initiating any activities. The attached Fact Sheet explains the permitting process. Please note that the permitting process may take as much as 45 to 60 days to process. Also note that a condition of the permit requires the securing all of the appropriate additional permits before initiating work. This information is provided so that you may plan accordingly.

If after careful evaluation, it is your assessment that your project is not within the authority of the Central Valley Flood Protection Board, you may disregard this notice. For further information, please contact me at (916) 574-1249.

Sincerely,


Christopher Hunt
Staff Environmental Scientist
Floodway Protection Section

Enclosure

cc: Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, CA 95814

Letter B – California Department of Water Resources

This section of the Meridian Farms Water Company Fish Screen Project Final IS/EA provides responses to comments received from Chris Huitt, Staff Environmental Scientist, Floodway Protection Section, State of California -- The Resources Agency, Department of Water Resources, written comments dated March 7, 2008 and received March 12, 2008.

Comments:

1. The project may be an encroachment on the State Adopted Plan of Flood Control. Refer to the California Code of Regulations, Title 23 and Designated Floodway maps at <http://recbd.ca.gov>.
2. If the project encroaches on an adopted flood control plan, an encroachment permit from the Central Valley Flood Protection Board will be required prior to initiating any activities. Please note that the permitting process may take as much as 45 to 60 days to process.

Response to Comments:

1. Meridian Farms Water Company (MFWC) concurs that the project is located in an area that encroaches on the State Adopted Plan of Flood Control
2. MFWC has applied for, and will acquire the Central Valley Flood Protection Board Encroachment Permit necessary to construct the project before initiating construction work. An Encroachment Permit application for the Meridian project was endorsed by Reclamation District 70 in December 2007 and sent to the Central Valley Flood Protection Board for their review. It is MFWC's understanding that the Board will issue the Encroachment Permit upon completion of the CEQA process.



ARNOLD SCHWARZENEGGER
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT
DIRECTOR

March 12, 2008

Tracy McReynolds
California Department of Fish and Game
2545 Zanella Way, Suite F
Chico, CA 95928

Subject: Meridian Farms Water Company Fish Screen Project
SCH#: 2008022042

Dear Tracy McReynolds:

The enclosed comment (s) on your Mitigated Negative Declaration was (were) received by the State Clearinghouse after the end of the state review period, which closed on March 10, 2008. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2008022042) when contacting this office.

Sincerely,

Terry Roberts
Senior Planner, State Clearinghouse

Enclosures
cc: Resources Agency

Letter C – California Governor’s Office of Planning and Research, State Clearinghouse

This section of the Meridian Farm Final IS/EA provides a response to the single comment received from Terry Roberts, Senior Planner, State Clearinghouse, State of California, Governor’s Office of Planning and Research, State Clearinghouse and Planning Unit, written comment dated March 12, 2008.

Comment:

1. The enclosed comment on your Mitigated Negative Declaration was received after the end of the State Review period, which closed on March 10, 2008. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document. The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments in to your final environmental document and to consider them prior to taking final action on the Proposed Project/Action.

Response to Comment:

1. MFWC has responded to the comment letter from the State Department of Water Resources. Please see response to Comment Letter B, above.

SECTION 3

Mitigation Monitoring and Reporting Program

3.1 Introduction

This Mitigation Monitoring and Reporting Program has been prepared by the California Department of Fish and Game and the U.S. Bureau of Reclamation in conjunction with the proposed Meridian Farms Fish Screen Project. The Proposed Project/Action has been evaluated in an Initial Study/Environmental Assessment and Mitigated Negative Declaration/Finding of No Significant Impact prepared in accordance with the California Environmental Quality Act (CEQA) the National Environmental Policy Act (NEPA). The legislation requires public agencies to ensure that adequate mitigation measures are implemented and monitored for Mitigated Negative Declarations.

This Mitigation Monitoring and Reporting Program (MMRP) has been developed to ensure that project sponsor, Meridian Farms Water Company, carries out the adopted measures to mitigate and/or avoid significant environmental impacts associated with the construction and operation of the Proposed Project/Action. Mitigation measures identified in this MMRP were developed as part of the Initial Study/Environmental Assessment process for the Proposed Project/Action.

The legal basis for the development and implementation of the MMRP lies within both CEQA (including the California Public Resources Code) and NEPA. Sections 21002 and 21002.1 of the California Public Resources Code state:

- Public agencies are not to approve projects as proposed if there are feasible alternatives or feasible mitigation measures available that would substantially lessen the significant environmental effects of such projects; and Each public agency shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so.
- Section 21081.6 of the California Public Resources Code further requires that the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance with mitigation measures during project implementation. The monitoring program must be adopted when a public agency makes its findings under CEQA so that the program can be made a condition of project approval in order to mitigate significant effects on the environment.

NEPA 40 CFR Sections 1502.14f requires:

- Agencies shall include appropriate mitigation measures not already included in the proposed action or alternatives.

3.2 Compliance Checklist

Table 3-1 contains a compliance monitoring checklist that provides a synopsis of all adopted mitigation measures, the entity responsible for their implementation, the entity responsible for monitoring, and the timing of implementation. All the mitigation measures presented in **Table 3-1** will be incorporated into the Proposed Project/Action.

3.3 Implementation and Monitoring of Mitigation Measures

Since the mitigation measures will be incorporated into the Proposed Project/Action, implementation and monitoring of mitigation measures will occur at various stages of the Project's implementation. These stages may include, but are not limited to, the following:

- Implementation of development and design standards, guidelines, and programs for the Proposed Project/Action.
- Grading, site preparation; and construction of the Proposed Project/Action.
- Ongoing operation of the Proposed Project/Action.
- Onsite, day-to-day monitoring of construction activities.
- Reviewing construction plans and equipment staging/access plans to ensure conformance with adopted mitigation measures.
- Ensuring contractor knowledge of and compliance with all appropriate permit conditions and the MMRP.
- Verifying the accuracy and adequacy of contract wording.
- Having the authority to require the correction of activities that violate Project permit conditions or mitigation measures. The inspector shall have the ability and authority to secure compliance with the MMRP with the Lead Agency, if necessary.
- Acting in the role of contact for the individuals who wish to register observations of violations of Project permit conditions or mitigation. Upon receiving any complaints, the inspector shall immediately contact the construction representative. The inspector shall be responsible for verifying any such observations and for developing any necessary corrective actions in consultation with the construction representative and the Lead Agency.
- Obtaining assistance as necessary from technical experts, such as archaeologists, botanists, and wildlife biologists, in order to develop site-specific procedures for implementing the mitigation measures, particularly for implementing the appropriate special-status species, wetland, or mature tree mitigation measures.
- Maintaining a log of all significant interactions, violations of permit conditions or mitigation measures, and necessary corrective measures.

Responsibility for the implementation and monitoring of mitigation measures will typically reside with the Lead Agency staff or responsible agency staff as described in **Table 3-1**.

**TABLE 3-1
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure		Phase 1	Phase 2	Implementing Responsibility	Monitoring Responsibility	Timing	Verification of Compliance (Initials and Date)
Air Quality							
Mitigation Measure AIR-1. Implement FRAQMD Best Available Mitigation Measures For Construction Activity:		✓	✓	MFWC	CDFG/USBR	Prior to approval of dust control plan	
<ul style="list-style-type: none"> Implement PM10 control measures outlined in the FRAQMD Fugitive Dust Control Plan. MFWC shall require its construction contractor(s) to assemble a comprehensive inventory list (i.e., make, model, engine year, horsepower, emission rates) of all heavy-duty off-road (portable and mobile) equipment (50 horsepower and greater) that will be used an aggregate of 40 or more hours for both Phases 1 and 2 construction activities and apply the following mitigation measure: <i>Reducing NOx emissions from off-road diesel powered equipment</i> MFWC or its construction contractor(s) shall provide a plan for approval by FRAQMD demonstrating that the heavy-duty (equal to or greater than 50 horsepower) off-road equipment to be used in construction of Phases 1 and 2, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NOx reduction and 45 percent particulate reduction 1 compared to the most recent CARB fleet average at time of construction. A Construction Mitigation Calculator (MS Excel) may be downloaded from the SMAQMD web site to perform the fleet average evaluation http://www.airquality.org/ceqa/index.shtml. Acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, perform offsite mitigation projects, provide funds for air district offsite mitigation projects, and/or other options as they become available. The District should be contacted to discuss 		✓	✓	MFWC	CDFG/USBR	Throughout construction activities	

TABLE 3-1 (CONTINUED)
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Phase 1	Phase 2	Implementing Responsibility	Monitoring Responsibility	Timing	Verification of Compliance (Initials and Date)
alternative measures.						
<ul style="list-style-type: none"> Construction equipment exhaust emissions shall not exceed FRAQMD Regulation III, Rule 3.0, Visible Emissions limitations (40 percent opacity or Ringelmann 2.0). Operators of vehicles and equipment found to exceed opacity limits shall take action to repair the equipment within 72 hours or remove the equipment from service. Failure to comply may result in a Notice of Violation. 	✓	✓	MFWC	CDFG/USBR	Throughout construction activities	
<ul style="list-style-type: none"> The primary contractor shall be responsible to ensure that all construction equipment is properly tuned and maintained. 	✓	✓	MFWC	CDFG/USBR	Throughout construction activities	
<ul style="list-style-type: none"> Minimize idling time to 10 minutes – saves fuel and reduces emissions. 	✓	✓	MFWC	CDFG/USBR	Throughout construction activities	
<ul style="list-style-type: none"> No open burning of removed vegetation during infrastructure improvements. Vegetative material should be chipped or delivered as waste to energy facilities. 	✓	✓	MFWC	CDFG/USBR	Throughout construction activities	
<ul style="list-style-type: none"> Portable engines and portable engine-driven equipment units used at the project work site, with the exception of on-road and off-road motor vehicles, may require California Air Resources Board (CARB) Portable Equipment Registration with the State or a local district permit. The owner/operator shall be responsible for arranging appropriate consultations with the CARB or the District to determine registration and permitting requirements prior to equipment operation at the site. 	✓	✓	MFWC	CDFG/USBR	Throughout construction activities	

TABLE 3-1 (CONTINUED)
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Phase 1	Phase 2	Implementing Responsibility	Monitoring Responsibility	Timing	Verification of Compliance (Initials and Date)
Biological Resources						
Mitigation Measure BIO-1: Traffic Routing, and Movement: <ul style="list-style-type: none"> During construction operations, the number of access routes, number and size of staging areas, and the total area of the proposed project activity will be limited to the minimum necessary. 	✓	✓	MFWC	CDFG/USBR	Prior to and throughout construction activities	
<ul style="list-style-type: none"> Routes and boundaries will be clearly demarcated. Movement of heavy equipment to and from the project site will be restricted to established roadways to minimize habitat disturbance. 	✓	✓	MFWC	CDFG/USBR	Prior to and throughout construction activities	
<ul style="list-style-type: none"> Project-related vehicles shall observe a 20-mile-per-hour speed limit within construction areas, except on County roads and on State and Federal highways. This is particularly important during periods when the giant garter snake may be sunning or moving on roadways. All heavy equipment, vehicles, and supplies will be stored at the designated staging area at the end of each work period. 	✓	✓	MFWC	CDFG/USBR	Prior to and throughout construction activities	
Mitigation Measure BIO-2: Staging Areas: <ul style="list-style-type: none"> During construction operations, stockpiling of construction materials, portable equipment, vehicles, and supplies will be restricted to the designated construction staging areas and exclusive of the Environmentally Sensitive Areas (ESAs). The applicant will ensure contamination of habitat does not occur during such operations. All workers will be informed of the importance of preventing spills and appropriate measures to take should a spill occur. 	✓	✓	MFWC	CDFG/USBR	Prior to and throughout construction activities	
Mitigation Measure BIO-3: Pre-construction Surveys: <ul style="list-style-type: none"> 24-hours prior to the commencement of construction activities, the ESA shall be surveyed for giant garter snakes by a USFWS-approved biologist. 	✓	✓	MFWC	CDFG/USBR /USFWS	24 hours prior to construction activities	

TABLE 3-1 (CONTINUED)
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Phase 1	Phase 2	Implementing Responsibility	Monitoring Responsibility	Timing	Verification of Compliance (Initials and Date)
<ul style="list-style-type: none"> The biologist will provide the USFWS with a written report that adequately documents the monitoring efforts within 24-hours of commencement of construction activities. 	✓	✓	MFWC	CDFG/USBR /USFWS	24 hours prior to construction activities	
<ul style="list-style-type: none"> The project area shall be re-inspected by the monitoring biologist whenever a lapse in construction activity of two weeks or greater has occurred. 	✓	✓	MFWC	CDFG/USBR /USFWS	Two weeks after any lapse in construction activity	
Mitigation Measure BIO-4: Timing of Construction: <ul style="list-style-type: none"> Construction activity within giant garter snake habitat (e.g. aquatic, upland, and rice habitat) shall be conducted between May 1 and October 1. 	✓	✓	MFWC	CDFG/USFWS	May 1 through October 1	
<ul style="list-style-type: none"> If it appears that construction activity may go beyond October 1, the project proponents shall contact the USFWS as soon as possible, but not later than September 15 of the year in question, to determine if additional measures are necessary to minimize take. 	✓	✓	MFWC	CDFG/USFWS	May 1 through September 15 (Conditionally).	
<ul style="list-style-type: none"> Construction activities within 200 feet from the banks of snake aquatic habitat will be avoided during the snake's inactive season. If this is not feasible, the Project Proponent must consult with USFWS to determine measures to avoid impacts to giant garter snake. 	✓	✓	MFWC	CDFG/USFWS	May 1 through October 1 May 1 through September 15 (Conditionally)	
Mitigation Measure BIO-5: Monitoring During Construction: <ul style="list-style-type: none"> A USFWS-approved biologist shall inspect construction-related activities at the ESA to ensure that no unauthorized take of federally listed species or destruction of their habitat occurs. 	✓	✓	MFWC	CDFG/USBR /USFWS	Throughout construction activities	
<ul style="list-style-type: none"> The biologist shall be available for monitoring throughout all phases of construction that may result in adverse effects to the giant garter snake. This includes clearing and grubbing 	✓	✓	MFWC	CDFG/USBR /USFWS	Throughout construction activities	

TABLE 3-1 (CONTINUED)
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Phase 1	Phase 2	Implementing Responsibility	Monitoring Responsibility	Timing	Verification of Compliance (Initials and Date)
activities and installation of exclusion fence in giant garter snake upland habitat.						
<ul style="list-style-type: none"> The biologist shall have the authority through communication with the resident engineer to stop construction activities in the immediate area if a giant garter snake is encountered during construction until appropriate corrective measures have been completed or until the snake is determined to be unharmed. 	✓	✓	MFWC	CDFG/USBR /USFWS	Throughout construction activities	
<ul style="list-style-type: none"> Giant garter snakes encountered during construction activities shall be allowed to move away from the area on their own volition. The biologist shall notify the USFWS immediately if any listed species are found on-site, and will submit a report, including date(s), location(s), habitat description, and any corrective measures taken to protect the species found. 	✓	✓	MFWC	CDFG/USBR /USFWS	Throughout construction activities	
<ul style="list-style-type: none"> The biologist shall be required to report any take of listed species to the USFWS immediately by telephone at 916/ 414-6600 and by electronic mail or written letter addressed to the Chief, Endangered Species Division, within three (3) working days of the incident. The Service does not authorize any handling or moving of a giant garter snake by other than a USFWS-permitted biologist. 	✓	✓	MFWC	CDFG/USBR /USFWS	Throughout construction activities	
Mitigation Measure BIO-6: Worker Awareness Training: <ul style="list-style-type: none"> A Worker Environmental Awareness Training Program for construction personnel shall be conducted by the USFWS-approved biologist for all construction workers, including contractors, prior to the commencement of construction activities. 	✓	✓	MFWC	CDFG/USBR /USFWS	Prior to and throughout construction activities	
<ul style="list-style-type: none"> The program shall provide workers with information on their responsibilities with regard to the snake, an overview of the 	✓	✓	MFWC	CDFG/USBR /USFWS	Prior to and throughout	

TABLE 3-1 (CONTINUED)
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Phase 1	Phase 2	Implementing Responsibility	Monitoring Responsibility	Timing	Verification of Compliance (Initials and Date)
<p>life history of this species, information on take prohibitions, protections afforded this animal under the Act, and an explanation of the relevant terms and conditions of this biological opinion.</p> <ul style="list-style-type: none"> Written documentation of the training must be submitted to the Sacramento Fish and Wildlife Office within 30 days of the completion of training. As needed, training shall be conducted in Spanish for Spanish language speakers. 	✓	✓	MFWC	CDFG/USBR /USFWS	Prior to and throughout construction activities	
<p>Mitigation Measure BIO-7: Install Snake Exclusion Fencing:</p> <ul style="list-style-type: none"> Prior to the commencement of construction activities, high visibility fencing will be erected around the habitats of federally listed species to identify and protect these designated ESAs from encroachment of personnel and equipment. These areas will be avoided by all construction personnel. 	✓	✓	MFWC	CDFG/USBR	Prior to and throughout construction activities	
<ul style="list-style-type: none"> The fencing shall be inspected by the Contractor before the start of each work day and maintained by the Contractor until completion of the project. The fencing may be removed only when the construction of the project is completed. 	✓	✓	MFWC	CDFG/USBR	Prior to the start of each work day	
<ul style="list-style-type: none"> Fencing will be established in upland immediately adjacent to aquatic snake habitat and extending up to 200 feet from construction activities. Silt fencing, if properly installed, may serve as suitable snake exclusion fencing. 	✓	✓	MFWC	CDFG/USBR	Prior to and throughout construction activities	
<p>Mitigation Measure BIO-8: Provide Adequate Signage:</p> <ul style="list-style-type: none"> Signs will be posted by the Contractor every 50 feet along the edge of the ESAs, with the following information: "This area is habitat of federally-threatened and/or endangered species, and must not be disturbed. These species are protected by the Endangered Species Act of 1973, as amended. Violators 	✓	✓	MFWC	CDFG/USBR	Prior to and throughout construction activities	

TABLE 3-1 (CONTINUED)
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Phase 1	Phase 2	Implementing Responsibility	Monitoring Responsibility	Timing	Verification of Compliance (Initials and Date)
are subject to prosecution, fines, and imprisonment.” The signs should be clearly readable from a distance of 20 feet, and must be maintained by the Contractor for the duration of construction.						
Mitigation Measure BIO-9: Implement BMPs: <ul style="list-style-type: none"> Best Management Practices (BMPs), including a Storm Water Pollution Prevention Plan (SWPPP) and Water Pollution Control Program (WPCP), will be implemented to minimize effects to the giant garter snake during construction. Best management practices will be implemented to prevent sedimentation from entering ESAs and to reduce erosion, dust, noise, and other deleterious aspects of construction related activities. These BMPs may include, but are not limited to, silt fencing, temporary berms, restrictions on cleaning equipment in or near ESAs, installation of vegetative strips, and temporary sediment disposal. Runoff from dust control and hazardous materials will be retained on the construction site and prevented from flowing into the ESAs. 	✓	✓	MFWC	CDFG/USBR	Prior to and throughout construction activities	
	✓	✓	MFWC	CDFG/USBR	Prior to and throughout construction activities	
Mitigation Measure BIO-10: Erosion Control Materials: <ul style="list-style-type: none"> Tightly woven fiber netting (mesh size less than 0.25 inch) or similar material shall be used for erosion control and other purposes at the ESA to ensure that the giant garter snake is not trapped or becomes entangled. This limitation shall be communicated to the contractor using special provisions included in the bid solicitation package. 	✓	✓	MFWC	CDFG/USBR	Prior to and throughout construction activities	
Mitigation Measure BIO-11: Properly Dispose of Garbage: <ul style="list-style-type: none"> To eliminate an attraction to predators of the snake, all food-related trash items, such as wrappers, cans, bottles, and food scraps, must be disposed of in closed containers and removed at the end of each workday from the entire project site. 	✓	✓	MFWC	CDFG/USBR	Throughout construction activities	

TABLE 3-1 (CONTINUED)
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Phase 1	Phase 2	Implementing Responsibility	Monitoring Responsibility	Timing	Verification of Compliance (Initials and Date)
Mitigation Measure BIO-12: Use Approved Aggregate, Fill, or Borrow Materials: <ul style="list-style-type: none"> The Contractor shall provide documentation that aggregate, fill, or borrow material provided for the proposed project was obtained in compliance with the State Mining and Reclamation Act (SMARA). Evidence of compliance with the Act shall be demonstrated by providing the resident engineer with one of the following: 1) a letter from the USFWS stating that the use of the borrow pit will not result in the incidental take of species; 2) an incidental take permit for contractor-related activities issued by the USFWS pursuant to section 10(a)(1)(B) of the Act; 3) a biological opinion or letter concurring with a "not likely to adversely affect" determination issued by the USFWS to the Federal agency having jurisdiction over contractor-related services; 4) a letter from the USFWS concurring with the "no effect" determination for contractor-related activities; or 5) contractor submittal of information to the resident engineer indicating compliance with the SMARA and provision of County land use permits and California Environmental Quality Act (CEQA) clearance. 	✓	✓	MFWC	CDFG/USBR /USFWS	Prior to and throughout construction activities	
Mitigation Measure BIO-13: Restore Temporarily Affected Habitat: <ul style="list-style-type: none"> After construction activities are complete, any temporary fill or construction debris shall be removed and disturbed areas restored to their pre-project conditions. An area subject to "temporary" disturbance includes any area that is disturbed during the project, but that, after project completion, will not be subject to further disturbance and has the potential to be re-vegetated. 	✓	✓	MFWC	CDFG/USBR /USFWS	After completion of construction activities	
<ul style="list-style-type: none"> All ESA giant garter snake habitats subject to temporary ground disturbances, including storage and staging areas and temporary roads, will be restored to pre-project 	✓	✓	MFWC	CDFG/USBR /USFWS	After completion of construction	

TABLE 3-1 (CONTINUED)
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Phase 1	Phase 2	Implementing Responsibility	Monitoring Responsibility	Timing	Verification of Compliance (Initials and Date)
conditions. If appropriate, these areas shall also be re-contoured to pre-project conditions. A written report shall be submitted to the USFWS within ten (10) working days of the completion of construction at the project site and restoration of the site to pre-project conditions.					activities	
<ul style="list-style-type: none"> A written report shall be submitted to the USFWS within ten (10) working days of the completion of construction at the project site and restoration of the site to pre-project conditions. 	✓	✓	MFWC	CDFG/USBR /USFWS	10 days after completion of construction activities	
Mitigation Measure BIO-14: Post-construction Monitoring: <ul style="list-style-type: none"> An inspection of the site, with a photo documentation report showing pre- and post-project area photos, will be conducted and photos and a brief report will be submitted to USFWS one year from implementation of restoration to pre-project conditions. 	✓	✓	MFWC	CDFG/USBR /USFWS	After the completion of construction activities	
Mitigation Measure BIO-15: Minimize Impacts: <ul style="list-style-type: none"> The Contractor shall minimize the potential for harm, harassment, and direct mortality of the snake resulting from project related activities by implementation of the project. The Contractor shall ensure that the temporary loss of giant garter snake habitat is confined to the proposed project site. 	✓	✓	MFWC	CDFG/USBR	Prior to and throughout construction activities	
Biological Resources (Phase 2) Include all above measures for Phase 1, and the following additional or modified measures:						
Mitigation Measure BIO-16: De-watering Giant Garter Snake Habitat: <ul style="list-style-type: none"> Aquatic habitat for the snake will be dewatered 15 days prior to the initiation of construction activities. If complete 	✓		MFWC	CDFG/USBR	Prior to construction activities	

TABLE 3-1 (CONTINUED)
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Phase 1	Phase 2	Implementing Responsibility	Monitoring Responsibility	Timing	Verification of Compliance (Initials and Date)
dewatering is not possible, potential snake prey (<i>i.e.</i> , fish and tadpoles) will be removed so that snakes and other wildlife are not attracted to the construction area.						
Mitigation Measure BIO-17: Giant Garter Snake Monitoring During Construction: <ul style="list-style-type: none"> A USFWS approved biologist shall inspect construction-related activities at the proposed project site to ensure that no unauthorized take of federally listed species or destruction of their habitat occurs. The biologist shall be available for monitoring throughout all phases of construction that may result in adverse affects to the giant garter snake. This includes clearing and grubbing and other construction activities in the areas of wetland vegetation/aquatic habitat, adjacent upland habitat, and during exclusion fence installation. 		✓	MFWC	CDFG/USBR /USFWS	Throughout construction activities	
<ul style="list-style-type: none"> The biologist shall have the authority through communication with the resident engineer to stop construction activities in the immediate area if a giant garter snake is encountered during construction until appropriate corrective measures have been completed or until the snake is determined to be unharmed. Snakes encountered during construction activities shall be allowed to move away from the area on their own volition. The biologist shall notify the USFWS immediately if any listed species are found on-site, and will submit a report, including date(s), location(s), habitat description, and any corrective measures taken to protect the species found. 		✓	MFWC	CDFG/USBR /USFWS	Throughout construction activities	
<ul style="list-style-type: none"> The biologist shall be required to report any take of listed species to the USFWS immediately by telephone at 916/ 414-6600 and by electronic mail or written letter addressed to the Chief, Endangered Species Division, within three (3) working days of the incident. The Service does not authorize any 		✓	MFWC	CDFG/USBR /USFWS	Throughout construction activities	

TABLE 3-1 (CONTINUED)
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Phase 1	Phase 2	Implementing Responsibility	Monitoring Responsibility	Timing	Verification of Compliance (Initials and Date)
handling or moving of a giant garter snake by other than a USFWS-permitted biologist.						
Mitigation Measure BIO-18: Compensation: <ul style="list-style-type: none"> Prior to the commencement of construction activities, the project proponent shall compensate for the temporary and permanent loss habitat of the giant garter snake according to terms and conditions set forth in the Biological Opinion. 		✓	MFWC	CDFG/USBR	Prior to construction activities	
Mitigation Measure BIO- 19: Pile Driving Activities: <ul style="list-style-type: none"> For Phases 1 and 2, the contractor shall use vibrational pile driving to the greatest extent feasible. If percussive pile driving is necessary, its use shall be minimized to the maximum extent possible and comply with the following <i>Interim Criteria for Injury of Fish to Pile Driving Operations</i> (Popper et al., 2006): <ul style="list-style-type: none"> The Sound Exposure Level (SEL) shall not exceed 187 dB (re:1 µPa² sec) in any single strike, measured at a distance of 32.8 ft from the source; The peak sound pressure level should not exceed 208 dB (re:1µPapeak) in any single strike, measured at a distance of 32.8 ft from the source. 	✓		MFWC	CDFG/USBR	Throughout construction activities	
Mitigation Measure BIO-20: Dewatering: <ul style="list-style-type: none"> For Phase 2 only, pump(s) used for dewatering the construction site will be screened according to NMFS fish screening criteria for anadromous salmonids (NMFS, 1997b). A qualified biologist will be on-site during such pumping activities to ensure that any fish that may be present within the construction area are relocated to suitable habitat near the project area. 	✓		MFWC	CDFG/USBR	Throughout construction activities	
Mitigation Measure BIO-21: Tree Removal Period: <ul style="list-style-type: none"> If possible, trees required for removal shall be removed outside of the nesting period (nesting period = March 1st 	✓	✓	MFWC	CDFG/USBR	March 1 through August 31	

TABLE 3-1 (CONTINUED)
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Phase 1	Phase 2	Implementing Responsibility	Monitoring Responsibility	Timing	Verification of Compliance (Initials and Date)
through August 31st).						
Mitigation Measure BIO-22: Swainson's Hawk Nest Survey: <ul style="list-style-type: none"> If construction is proposed to take place during the nesting season, then a qualified biologist shall survey the project site and all habitats within 0.5 mile of the site for Swainson's hawk nests. 	✓	✓	MFWC	CDFG/USBR	Prior to construction activities during March 1 through August 31	
<ul style="list-style-type: none"> Should an active nest site occur within 0.5 mile of the project site, the CDFG shall be consulted to develop measures that will protect the nest site from project-generated disturbance. Measures may include implementing a limited operating period surrounding the nest site until young have fledged. 	✓	✓	MFWC	CDFG/USBR	Prior to and throughout construction activities during March 1 through August 31	
Mitigation Measure BIO-23: Riparian Habitat Exclusion: <ul style="list-style-type: none"> There shall be no encroachment by construction equipment or personnel into existing riparian habitat areas located along the Sacramento River. Storage or parking of equipment shall be restricted within 100 feet of riparian habitat. 	✓	✓	MFWC	CDFG/USBR	Throughout construction activities	
Mitigation Measures BIO-24: Pre-Construction Avian Surveys: <ul style="list-style-type: none"> Implement all mitigation measures listed for the Swainson's hawk. Preconstruction avian surveys shall also target the following species: <ul style="list-style-type: none"> Bank Swallow – Riparia riparia Western burrowing owl – Athene cucularia Cackling (=Aleutian Canada Goose) – Branta canadensis leucopareia Sacramento splittail – Pogonichthys macrolepidotus Western burrowing owl, bank swallow, and cackling 	✓	✓	MFWC	CDFG/USBR	Prior to construction activities	

TABLE 3-1 (CONTINUED)
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Phase 1	Phase 2	Implementing Responsibility	Monitoring Responsibility	Timing	Verification of Compliance (Initials and Date)
goose.						
Mitigation Measures BIO-25: Pre-Construction Avian Surveys: <ul style="list-style-type: none"> Implement all mitigation measures listed for the Swainson's hawk. Preconstruction avian surveys shall also target the Bank Swallow. Should active nests be found within 0.25 mile of the project site, CDFG shall be consulted to develop appropriate mitigation and avoidance measures. 	✓	✓	MFWC	CDFG/USBR	Prior to construction activities	
Mitigation Measures BIO-26: Pre-Construction Avian Surveys: <ul style="list-style-type: none"> Implement all mitigation measures listed for the Swainson's hawk. Preconstruction avian surveys shall also target the Western Burrowing Owl. Should active nests be found within 50 meters of the project site, CDFG shall be consulted to develop appropriate mitigation and avoidance measures. 	✓	✓	MFWC	CDFG/USBR	Prior to construction activities	
Mitigation Measure BIO-27: Obtain 404 Permit: <ul style="list-style-type: none"> Prior to construction, the project applicant shall obtain a Section 404 from the USACOE. Based on the area projected to be impacted, the Proposed Project/Action will likely require either an individual permit or Letter of Permission from the USACOE. 	✓	✓	MFWC	CDFG/USBR /USACOE	Prior to construction activities	
<ul style="list-style-type: none"> The project applicant shall obtain a Section 401 water quality certification from the RWQCB. 	✓	✓	MFWC	CDFG/USBR /RWQCB	Prior to construction activities	
<ul style="list-style-type: none"> The project applicant shall enter into a Streambed Alteration Agreement with the CDFG. 	✓	✓	MFWC	CDFG/USBR	Prior to construction activities	
Mitigation Measure BIO-28: Compensation for Loss of Jurisdictional Wetlands: <ul style="list-style-type: none"> Fill of wetland areas will be minimized wherever possible. 	✓	✓	MFWC	CDFG/USBR	Prior to and throughout construction	

TABLE 3-1 (CONTINUED)
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Phase 1	Phase 2	Implementing Responsibility	Monitoring Responsibility	Timing	Verification of Compliance (Initials and Date)
Temporary construction fencing will be erected around any identified jurisdictional wetlands near the construction area(s) to reduce the potential of incidental fill.					activities	
<ul style="list-style-type: none"> Where fill of jurisdictional wetlands is unavoidable, loss shall be compensated at a 1:1 ratio. Compensation method shall be approved by the USACOE. 	✓	✓	MFWC	CDFG/USBR /USACOE	Following construction activities	
Hazards and Hazardous Materials						
Mitigation Measure HAZMAT-1. Accidental Discovery: <ul style="list-style-type: none"> If contaminated soil and/or groundwater is encountered or if suspected contamination is encountered during Phase 1 and 2 project construction, work shall be halted in the area, and the type and extent of the contamination shall be identified. 	✓	✓	MFWC	CDFG/USBR	Prior to and throughout construction activities	
<ul style="list-style-type: none"> A contingency plan to dispose of any contaminated soil or groundwater will be developed through consultation with the appropriate regulatory agencies. 	✓	✓	MFWC	CDFG/USBR	Prior to and throughout construction activities	
<ul style="list-style-type: none"> If dewatering is to occur during Phase 1 and 2 project construction, the RWQCB will be consulted for any special requirements such as containing the water until it can be sampled and analyzed to ensure that no contaminants are in the groundwater that could be released into the Sacramento River. 	✓	✓	MFWC	CDFG/USBR	Prior to and throughout construction activities	
Hydrology and Water Quality						
Mitigation Measure HYDRO-1: Identify Site-Specific Control Measures: <ul style="list-style-type: none"> To minimize the exposure of sediments to runoff, MFWC or its construction contractor(s) will identify and implement site-specific construction and post-construction water quality 	✓	✓	MFWC	CDFG/USBR	Prior to, throughout, and following construction activities	

TABLE 3-1 (CONTINUED)
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Phase 1	Phase 2	Implementing Responsibility	Monitoring Responsibility	Timing	Verification of Compliance (Initials and Date)
control measures for both Phase 1 and 2 of the Proposed Project/Action facilities.						
<ul style="list-style-type: none"> Control measures will include those contained in the Construction Contractor's Guide and Specification of the Caltrans Storm Water Quality Handbook (The Handbook; April 1997); Sutter County Code Section 5, Storm Drainage Design, and the State Water Resources Control Board (SWRCB) Water Quality Order 99-08-DWQ, NPDES, General Permit for Stormwater Discharge Associated with Construction Activity. 	✓	✓	MFWC	CDFG/USBR	Prior to, throughout, and following construction activities	
Noise						
Mitigation Measure NOISE-1. Minimization of the Construction and Operational Noise: <ul style="list-style-type: none"> Standard noise abatement measures will be implemented during construction of Phase 1 and 2 to reduce noise impacts from construction activities. Construction activities will be limited between 7:00 a.m. and 5:00 p.m. on weekdays to reduce potential noise impacts to area residents. In addition, staging areas and stationary noise generating construction equipment will be located as far as possible from sensitive receptors, and all construction equipment will be maintained with the manufacturer's specified noise-muffling devices. 	✓	✓	MFWC	CDFG/USBR	Prior to and throughout construction activities	
<ul style="list-style-type: none"> Final design of the Phase 1 and 2 facilities of the Proposed Project/Action will incorporate noise attenuating technologies and noise barriers to mitigate that noise emanating from the facilities at maximum operational load will not exceed applicable standards or lead to cumulative increases in ambient noise levels. 	✓	✓	MFWC	CDFG/USBR	During operational activities	

SECTION 4

Consultation and Coordination

4.1 Introduction

As a result of both State and Federal participation in the project, environmental documentation will need to comply with the National Environmental Policy Act (NEPA), the California Environmental Quality Act (CEQA) and both the State and Federal Endangered Species Acts. The United States Bureau of Reclamation (Reclamation) is serving as the lead agency for NEPA compliance and the California Department of Fish and Game (CDFG) is serving as lead agency for CEQA compliance. The Proposed Project/Action will need to obtain the following permits and approvals:

**TABLE 4-1
AGENCY PERMITS/APPROVALS**

Agency	Permit/Authorization/Approval/Review
<i>Federal</i>	
U.S. Fish and Wildlife Service	Section 7 Consultation
U.S. National Marine Fisheries Service	Section 7 Consultation
U.S. Army Corps of Engineers (USACOE)	404 Permit Section 10 Rivers and Harbors
<i>State</i>	
California Department of Fish and Game	1601 Streambed Alteration Agreement/Permit
Central Valley Flood Protection Board	Encroachment Permit
Regional Water Quality Control Board	National Pollutant Discharge Elimination System (NPDES) 401 Water Quality Certification NPDES 402 General Construction Permit
State Water Resources Control Board	Amendment of Place of Use/Diversion Permit
State Historic Preservation Office/ National Historic Preservation Act	Section 106 Coordination
<i>Local</i>	
County of Sutter	Building Permit County Road Encroachment Permit

4.2 Federal Agencies Consulted

The following agencies and individuals were contacted as part of the development of the Proposed Project/Action and/or provided information used in this IS/EA:

4.2.1 U.S. Fish and Wildlife Service (USFWS)

The USFWS has been an active participant in the development of the ASIP has provided review and comment on the Proposed Project/Action. USFWS has provided a Biological Opinion on the effects of the action on the federally-threatened giant garter snake in accordance with the section 7 of the Endangered Species Act.

4.2.2 National Marine Fisheries Service (NOAA Fisheries)

NOAA Fisheries has been an active participant in the CVPIA Anadromous Fish Screen Technical Team, and has provided review and comment on the Proposed Project/Action for the ASIP. NOAA Fisheries has concurred with Reclamation's determination of "may affect, is not likely to adversely affect" Federally listed endangered Sacramento River winter-run Chinook salmon, threatened Central Valley spring-run Chinook salmon, threatened Central Valley steelhead, the threatened Southern Distinct Population Segment of North American green sturgeon, or designated critical habitat.

4.2.3 U.S. Army Corps of Engineers

An application for a U.S. Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act, and Section 404 of the Clean Water Act, has been submitted to the Corps Sacramento Office. All terms and conditions of the Corps permit would be implemented.

4.3 State Agencies Consulted

4.3.1 California Department of Fish and Game (CDFG)

CDFG has been an active participant in the CVPIA Anadromous Fish Screen Technical Team, and has acted as the CEQA lead agency for the Proposed Project/Action. An application for a CDFG Streambed Alteration Agreement, pursuant to Section 1601 of the Fish and Game Code of California, has been submitted and issued for the Proposed Project/Action. All terms and conditions contained in this agreement would be implemented. The fish screen design and construction would comply with the currently accepted CDFG and NOAA Fisheries Fish Screen Design Criteria.

4.3.2 Central Valley Flood Protection Board

An application has been submitted to the Central Valley Flood Protection Board for an encroachment permit for the Proposed Project/Action. A copy of the draft EA/IS will be provided in support of the Central Valley Flood Protection Board permit application.

4.3.3 Regional Water Quality Control Board - Central Valley Region

The contractor selected to construct the Proposed Project/Action will be required to prepare and Erosion Control Plan in order to comply with the water quality objectives established for sediment loading and turbidity. A Clean Water Act Section 401 water quality certification will be obtained for the Corps permit compliance, or other permits or authorizations. An application for a Regional Water Quality Control Board (RWQCB) 401 certification has been submitted. A copy of the draft EA/IS, application for a CDFG Streambed Alteration Agreement, and Corps permit application was submitted to the RWQCB in support of the water quality certification.

4.3.4 State Historic Preservation Office/National Historic Preservation Act

Reclamation has consulted with the State Historic Preservation (SHPO) Office under Section 106 of the National Historic Preservation Act. SHPO has concurred with Reclamation's findings that none of the facilities described in the Proposed Project/Action and within the area of potential effect (APE) are not eligible for inclusion in the National Register of Historic Places. Furthermore, SHPO concurred that no historic properties would be affected by the Proposed Project/Action.

4.3.5 State Water Resources Control Board

An Amendment of Place of Use/Diversion Permit application will be submitted to the State Water Resourced Control Board for approval. All terms and conditions of the permit will be implemented.

4.4 Local Agencies Consulted

4.4.1 Feather River Air Quality Management District

As a preliminary measure, the regulations of the Feather River Air Quality Management District were reviewed. Based on this review, appropriate air pollution control measures were included in the Proposed Project/Action description. Prior to construction, these measures will be updated to reflect on-going discussions with these agencies.

4.4.2 County of Sutter

The contractor selected to construct the Proposed Project/Action will be required to obtain encroachment permits for all County road rights-of-way (ROW) crossings in addition to securing building permits for all proposed demolition and construction of proposed landside facilities. A copy of the Final IS/EA will be provided in support of these permit applications.

4.5 List of Preparers

Lead Agencies and Staff

California Department of Fish and Game (CDFG) – CEQA Lead Agency

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Water Resources:	Deborah Kruse / Paul Garcia
Aesthetics:	Asavari Devadiga / Clint Meyer
Air Quality:	Clint Meyer / Asavari Devadiga
Biological Resources:	Sara Lee / Mike Podlech
Geology and Soils:	Clint Meyer
Hazards and Hazardous Materials:	Clint Meyer / Asavari Devadiga
Noise:	Asavari Devadiga
Cultural Resources:	Barry Scott / Kathy Anderson
Socioeconomics:	Clint Meyer
Transportation / Traffic:	Asavari Devadiga
Utilities and Service Systems	Asavari Devadiga
Agricultural Resources:	Clint Meyer

Appendix A

Meridian Farms Fish Screen Project,
Draft Initial Study and Mitigated
Negative Declaration/ Environmental
Assessment and Finding of No
Significant Impact

(Bound Under Separate Cover)



Appendix B

Action Specific
Implementation Plan (ASIP)

(Bound Under Separate Cover)

